



**COMMONWEALTH of VIRGINIA**  
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**MEMORANDUM**

**TO: BRIAN MCCORMICK**  
Regulatory and Manual Section Manager  
Department of Medical Assistance Services

**FROM: REATHA B. KAY**  
Special Counsel to DMAS

**DATE: November 14, 2006**

**SUBJECT: Proposed Regulation concerning Clarification to Medicaid Utilization Calculation to Match Cost Reporting Practice**

I have reviewed the attached proposed regulation. Based on that review, it is this Office's view that the Director, acting on behalf of the Board pursuant to Va. Code § 32.1-324, has the authority to promulgate these regulations, subject to compliance with the provisions of Article 2 of the Administrative Process Act and has not exceeded that authority. The regulations will enable the Director, in lieu of the Board of Medical Assistance Services, to promulgate regulations relating to changes required pursuant to the Item 326 PPP of the 2005 Appropriation Act. The changes were first made by the promulgation of emergency regulations.

If you have any questions or need any additional information, please feel free to call me at 786-4074.

cc: Kim F. Piner, Esquire

Attachment